



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of



**DECISION**  
Case #: CCB - 206909

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on November 16, 2022, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Dane Cty. Dept. of Human Services regarding Child Care (CC), a hearing was held on January 11, 2023, by telephone.

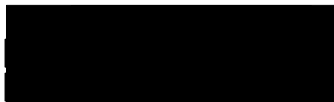
At the time of hearing, DHA utilized interpretation services of a Language Line Spanish language interpreter at petitioner's request.

The issue for determination is whether DHA has authority to consider this appeal on the merits.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

Department of Children and Families  
201 West Washington Avenue  
Madison, WI 53703

By:

Dane Cty. Dept. of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

## FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner receives child care assistance through the Wisconsin Shares system. Between August 2022 and November 2022 funds for Child Care services that had been unused for 90 days were recovered from her account.

## DISCUSSION

At hearing, petitioner argued that she did not know about the expungement rule and was not aware that unused funds would be recovered from her account after 90 days. According to Wisconsin Shares regulations, a subsidy payment expires 90 days after the date that the department issues the payment to the parent. See Wisconsin Administrative Code, §201.04(2)(c) and *Wisconsin Shares Handbook*, §18.7. The Administrative Code, §DCF 201.065(1)(d) states explicitly as follows: “*No appeal of payment expiration*. A parent may not appeal the expiration of a subsidy payment under s. DCF 201.04 (2) (c).” Italics in original.

I must conclude that I do not have authority to order to consider this appeal on the merits.

## CONCLUSIONS OF LAW

The Division of Hearings and Appeals does not have authority to address the issue of the expiration and recovery of petitioner’ unused child care subsidy.

**THEREFORE, it is**

## ORDERED

That the petition for review is hereby dismissed.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

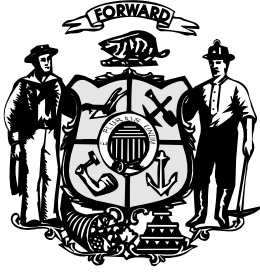
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 West Washington Avenue, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 19th day of January, 2023



\s \_\_\_\_\_  
John P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 19, 2023.

Dane Cty. Dept. of Human Services  
Child Care Benefits